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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,381	12/17/2001	Takashi Nozu	205105-9001	2436

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EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,381	<b>Applicant(s)</b> NOZU, TAKASHI	
	<b>Examiner</b> Jerome Grant II	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**JEROME GRANT  
PRIMARY EXAMINER**

### Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogura et al.

With respect to claim 1, Ogura teaches a time administrator (CPU 11, RTC 12 and ROM 13) comprising: a first unit RTC 12(real time clock circuit) and transmits a first signal indicative of a standard time; a second unit (time generation unit, see col. 10, line 562 for the purpose claimed; third unit (central management device 6 or communication device 7) for adjusting a current time is to be adapted and to determine with the system is to be applied to a standard time; and a fourth unit (time comparing unit, col. 10, line 59) when said third unit judge that said system is to be applied to a

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standard time, carries out a specific operation (data generation/ communication operation according to col. 10, lines 60-67), and transmits a second signal ( a match signal by comparing unit) indicative of the result of the operation as a current time, and which , when said third unit judges that said system is not to be applied to said standard time, transmits a third signal does not match signal (inherent) according to col. 10, lines 64-66.

With respect to claims 2, 4 and 10, Ogura teaches adjusting a current time which may possibly be daylight savings time. This limitation is inherent with respect to col. 10, line 64-66.

With respect to claim 3, Ogura teaches a time administrator (CPU 11, RTC 12 and ROM 13) comprising: a first unit RTC 12(real time clock circuit) and transmits a first signal indicative of a standard time; a second unit (time generation unit, see col. 10, line 562 for the purpose claimed; third unit (central management device 6 or communication device 7) for adjusting a current time is to be adapted and to determine with the system is to be applied to a standard time; and a fourth unit (time comparing unit, col. 10, line 59) when said third unit judge that said system is to be applied to a standard time, carries out a specific operation (data generation/ communication operation according to col. 10, lines 60-67), and transmits a second signal ( a match signal by comparing unit) indicative of the result of the operation as a current time, and which , when said third unit judges that said system is not to be applied to said

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standard time, transmits a third signal does not match signal (inherent) according to col. 10, lines 64-66.

Ogura teaches a fifth unit which is a operational display unit shown in figure 5. See also col. 11, lines 5-10 and the display unit 83.

With respect to claim 5, Ogura teaches the second unit is a subset of the first unit RTC 12 and has continued access when communication data is and isn't stored in a memory RAM 14, 15 of fax device 7.

With respect to claim 6, Ogura teaches a time administrator (CPU 11, RTC 12 and ROM 13) comprising: a first unit RTC 12(real time clock circuit) and transmits a first signal indicative of a standard time; a second unit (time generation unit, see col. 10, line 562 for the purpose claimed; third unit (central management device 6 or communication device 7) for adjusting a current time is to be adapted and to determine with the system is to be applied to a standard time; and a fourth unit (time comparing unit, col. 10, line 59) when said third unit judge that said system is to be applied to a standard time, carries out a specific operation (data generation/ communication operation according to col. 10, lines 60-67), and transmits a second signal ( a match signal by comparing unit) indicative of the result of the operation as a current time, and which , when said third unit judges that said system is not to be applied to said standard time, transmits a third signal does not match signal (inherent) according to col. 10, lines 64-66. Ogura teaches the third signal is indicative of a standard time and

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current time which compares the current time to a specific time (Real time) at which a specific action (requested transmission according to col. 10, lines 50-55) starts said specific action, if said current time is identical with said specific time See col. 10, line 65.

With respect to claim 8, Ogura teaches wherein the second unit (time generation unit) makes access to said first RTC unit when reservation for transmitting data through a fax machine 7.

With respect to claim 9, Ogura teaches a method of adjusting time, comprising the steps of: judging (via timing comparator unit) as taught at col. 10, line 62, whether a system for adjusting a current time is adapted and further whether said system is to be applied to a standard time; carries out a specific operation (data generation/communication operation according to col. 10, lines 60-67), and transmits a second signal ( a match signal by comparing unit) indicative of the result of the operation as a current time, and which , when said third unit judges that said system is not to be applied to said standard time, transmits a third signal does not match signal (inherent) according to col. 10, lines 64-66.

With respect to claim 10, Ogura teaches current time as a possible daylight savings time. This limitation is inherent with respect to col. 10, lines 52-54.

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With respect to claim 11, Ogura teaches a third unit (central management device 6 or communication device 7) for adjusting a current time is to be adapted and to determine with the system is to be applied to a standard time.

With respect to claim 12, Ogura teaches comparing (via time comparing unit according to col. 10, line 62) a current time to a specific time at which a specific action has to start (data transmission ) and starting the specific action (data transmission) if said current time is identical with said specific time (col. 10, lines 65-67).

With respect to claim 13, Ogura teaches a facsimile machine 7: a clock RTC 12 which transmits a first signal indicative of a standard time; a time controller (CPU 11 and RTC 12) which makes access to said clock and receives said first signal; a judging unit (time comparator in circuit 12), according to col. 10, line 62 for judging whether a system for adjusting a current time is adapted and further whether said system is to be applied to said standard time; and a fourth unit (time comparing unit, col. 10, line 59) when said third unit judge that said system is to be applied to a standard time, carries out a specific operation (data generation/ communication operation according to col. 10, lines 60-67), and transmits a second signal ( a match signal by comparing unit) indicative of the result of the operation as a current time, and which , when said third unit judges that said system is not to be applied to said standard time, transmits a third signal does not match signal (inherent) according to col. 10, lines 64-66.

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With respect to claim 14, Ogura teaches current time as a possible daylight savings time. This limitation is inherent with respect to col. 10, lines 52-54.

With respect to claim 15, Ogura teaches Ogura teaches an operational display unit shown in figure 5. See also col. 11, lines 5-10 and the display unit 83.

With respect to claim 16, Ogura teaches the second unit is a subset of the first unit RTC 12 and has continued access when communication data is and isn't stored in a memory RAM 14, 15 of fax device 7.

With respect to claim 17, Ogura teaches current time as a possible daylight savings time. This limitation is inherent with respect to col. 10, lines 52-54.

With respect to claim 18, Ogura teaches the time controller (CPU 11 and RTC 12) is a subset of the first unit RTC 12 and has continued access when communication data is and isn't stored in a memory RAM 14, 15 of fax device 7.



**2. Examiner's Remarks**

Applicant contends that, "None of the cited references teach or suggest using a standard time and adjusting the standard time to a current time."

Upon further review of claims 1, 6 and 13, there is no language that specifically states what is argued, nor is the limitation argued suggested in any of the claims. Applicant appears to argue limitations that are not supported in the claims. The examiner refers to his own interpretation of the Ogura reference as it relates to the claimed subject matter. However, applicant has not shown how the limitations of the Ogura reference, as relied on by the examiner, fails to show the features of the present invention.

At page 8, applicant, defines "standard time" and "current time" and distinguishes them over the alleged interpretation of the examiner. The use of the phrase current time and standard time are relative terms. Technically, at some point, the two could be one and the same time. Time A is the standard time for performing an operation. The current time is time B. An operation may occur when the current time is equal to the standard time. Or the standard time could be reprogrammed to be closure to the current time to perform an operation in a much shorter time schedule.

Giving the broad interpretation of current and standard times, the examiner has shown, at least in the context of the present invention, how the limitations are taught in view of Ogura.

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Applicant argues that Ogura does not teach a fourth unit which transmits a third signal without carrying out an operation which third signal is indicative of said standard time as a current time. This language appears in the last part of claim 1. While applicant alleges that this limitation has not been met, the examiner clearly set forth the limitations of this claim in the office action beginning at the bottom of page 2 and bridging the top of page 3. Applicant has not offered a rationale as to why the limitations relied on by the examiner do not teach or suggest the claimed features. Applicant's contention appears to be only an allegation.

Applicant has not presented any arguments for claims 6 and 13.

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3.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

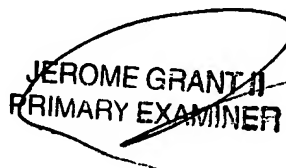
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jerome Grant II

  
JEROME GRANT II  
PRIMARY EXAMINER